



**Risk Management**  
a division of the Department of Administrative Services



Can I Bring My European Pole Cat to Class?

# SERVICE ANIMALS AT DISTRICT FACILITIES

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- ❖ Risk Pool Coverage
- ❖ DOJ Regulations Regarding Service Animals
- ❖ Guidelines Related to Emotional Support Animals (ESA)
- ❖ Model Policy for District Use

# CAVEAT

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- ❖ No information in this presentation should be construed as legal advice. Any decision regarding accommodation(s), policies, student engagement or any other District function should be made in consultation with the District Risk Coordinator and District Counsel
- ❖ In presenting various topics for discussion, any similarity to actual events, persons, or animals is purely coincidental



# RISK POOL COVERAGE



# RISK POOL COVERAGE

Coverage does not apply to:

G. *any claim under the Americans With Disabilities Act, Section 504 of the Vocational Rehabilitation Act of 1973, as amended, or similar law, based in whole or in part on the failure of any insured to provide a requested accommodation, academic adjustment or auxiliary aides or services, unless the insured has notified the Fund of its preliminary intention not to provide the requested accommodation, academic adjustment or auxiliary aides of services, and has allowed the Fund a reasonable opportunity to consult with the insured before the insured denies the requested accommodation, academic adjustment or aides or services, and the Fund agrees with the denial.*

-- 2014/15 Personal Injury Liability Coverage Policy

# DOJ REGULATIONS

❖ By definition, **ONLY DOGS** are **SERVICE** animals



❖ Service animals are issues of **ACCESS** – not accommodation

❖ **SERVICE** animals can go **ANYWHERE** \*



# DOJ REGULATIONS

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- ❖ If either the disability or the need for the service animal is obvious, no inquiries about either the animal or the disability may be made
- ❖ If either the disability or the need for the service animal is not obvious, ONLY two (2) inquiries may be made

# DOJ REGULATIONS

- 1) Is the dog a service animal required because of a disability?
- 2) What work or task has the dog been trained to perform?





# DOJ REGULATIONS

- ❖ Service animals must be “controlled” by the handler (e.g., voice control, tether, etc.)
- ❖ Service animals must be housebroken
- ❖ Service animals may not be disruptive



# DOJ REGULATIONS

- ❖ Allergies or fear of dogs are **not** valid reasons for denying access to people using service animals
- ❖ Establishments that sell or prepare food must allow service animals in public areas **even if** state or local health codes prohibit animals on the premises



# DOJ REGULATIONS

- ❖ If a service animal is properly excluded\*, the individual with a disability must be given the opportunity to participate in the service, program, or activity without having the service animal on the premises
- ❖ No requirement for registry, certification, identification, etc.
- ❖ NO ADVANCE NOTICE MAY BE REQUIRED





# UTAH LAW – ANIMALS IN TRAINING

- ❖ Utah law has provisions for service animals in training (UCA Section 62A-5b-102(3)(a)(i) and UCA Section 62A-5b-104(c))



# MINIATURE HORSES

- ❖ The ADA regulations have a separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities



# EMOTIONAL SUPPORT ANIMALS (ESA)

- ❖ Emotional Support Animals (ESA) are issues of reasonable modification to policies or procedures (Title II of the ADA)
- ❖ An ESA must generally be a domesticated animal
- ❖ HCP documentation may be required to support the need for an ESA





# EMOTIONAL SUPPORT ANIMALS (ESA)

- ❖ Must be a nexus between the individual's disability and the function performed by the ESA
- ❖ Considerations regarding training, disruption, and control apply to ESA's



# EMOTIONAL SUPPORT ANIMALS



# MODEL POLICY

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- ❖ Offered to provide general guidance for common situations
- ❖ Consistent with published federal regulations and guidelines (including Title II & III NPRM)
- ❖ Consistent with informal opinions of enforcement officials



# MODEL POLICY

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- ❖ May be adapted/tailored to the specific terms used by a particular District and incorporated into existing policies
  - + Keep the definitions
  - + Be aware of the prescriptive requirements
  - + Don't treat "Service animal" and "Emotional Support Animal" (or any variation (e.g., comfort animal)) as synonyms

# QUESTIONS AND CONTACT INFORMATION

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